

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 12/15/2021

UNITED STATES OF AMERICA,

Plaintiff,

-against-

JOEL LINGAT and JOSEPH EUGENE LEMAY,

Defendants.

1:21-cr-573-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On November 3, 2021, the Court held a hearing during which Defendants Joel Lingat and Joseph Lemay were arraigned on the Superseding Indictment in this case, and each entered pleas of not guilty on the Counts alleged against him. [ECF No. 26]. At the hearing, the Court directed that on or before November 17, 2021, Mr. Lemay was to inform the Court as to whether he intends to waive venue in the Southern District of New York with respect to Counts 2 and 3 of the Superseding Indictment. [ECF No. 34].

By letter dated November 17, 2021, Mr. Lemay informed the Court that he would not waive venue as to Counts Two and Three in the Superseding Indictment. [ECF No. 37]. On November 24, 2021, Mr. Lemay filed a Motion to Transfer Venue as to Counts Two and Three pursuant to 18 U.S.C. § 3237(b). [ECF No. 38]. That provision permits a defendant to move to transfer the venue of an action to his district of residence at the time the offense was committed when the offense involves violations of Section 7201 of the Internal Revenue Code of 1986. By separate letter, the Government “consents to the transfer of Counts Two and Three to the District of New Jersey.” [ECF No. 40].

IT IS HEREBY ORDERED that Counts Two and Three of the Superseding Indictment [ECF No. 26], charging Defendant Joseph Lemay with tax evasion pursuant to 26 U.S.C. § 7201,

shall be TRANSFERRED to the United States District Court for the District of New Jersey.

Count One of the Superseding Indictment, charging Defendants Joel Lingat and Joseph Lemay with conspiracy to defraud the Internal Revenue Service, shall remain in the Southern District of New York.

SO ORDERED.

Date: December 15, 2021
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge